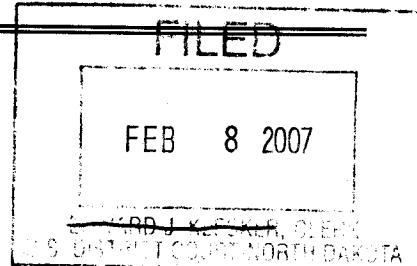


United States District Court
District of North Dakota
Northeastern Division



UNITED STATES OF AMERICA

v.

Alfonso Rodriguez, Jr.**JUDGMENT IN A CRIMINAL CASE**Case Number: **2:04-CR-55**

USM Number: 08720-059

Richard Ney and Robert Hoy

Defendant's Attorney

THE DEFENDANT:

was found guilty by a jury on count ONE (1) of the Indictment after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count, which involves the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1201(a)(1)	Kidnapping Resulting in Death	November 22, 2003	1

The defendant is sentenced as provided in pages 1 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$100, for count 1 of the Indictment, which shall be due immediately. Said special assessment shall be made to the Clerk, U.S. District Court, Quentin N. Burdick, U.S. Courthouse, 655 1st Avenue North, Suite 130, Fargo, North Dakota 58102

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

February 8, 2007

Date of Imposition of Judgment

Signature of Judicial Officer

RALPH R. ERICKSON, United States District Judge

Name & Title of Judicial Officer

February 8, 2007
 Date

CASE NUMBER: 2:04-CR-55
DEFENDANT: Alfonso Rodriguez, Jr.

Judgment - Page 2 of 4

IMPRISONMENT

The defendant is hereby sentenced on Count One of the Indictment to death.

The defendant is hereby remanded to the care, custody, and control of the United States Department of Justice through its Bureau of Prisons to be held until such time as he is lawfully executed. The time, place and manner of execution are to be determined by the Attorney General of the United States, provided that the time shall be not sooner than 60 days after the date of the filing of this judgment. If an appeal is taken from the conviction or sentence, execution of the judgment shall be stayed pending further Order of this Court upon receipt of the mandate of the Court of Appeals.

Pursuant to Title 18 U.S.C. § 3596, the defendant is committed to the custody of the Bureau of Prisons until exhaustion of the procedures for appeal of the judgment of conviction and review of the sentence. When the sentence is to be implemented, the Attorney General shall release the defendant to the custody of the United States Marshal, who shall supervise the implementation of the sentence in the manner prescribed by the law of the state of South Dakota.

The court makes the following recommendation to the Bureau of Prisons:

1. That the defendant be placed at the United States Penitentiary (USP) in Terre Haute, Indiana.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

CASE NUMBER: 2:04-CR-55
DEFENDANT: Alfonso Rodriguez, Jr.

Judgment - Page 3 of 4

SUPERVISED RELEASE

A statutorily required term of lifetime supervised release is imposed.

The defendant has been convicted of an offense listed in the DNA Analysis Backlog Elimination Act of 2000 or the Justice for All Act of 2004. These acts require the defendant to cooperate in the collection of DNA as directed by the probation officer.

If this judgment imposes a fine or a restitution obligation, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties page of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

CASE NUMBER: 2:04-CR-55

Judgment - Page 4 of 4

DEFENDANT: Alfonso Rodriguez, Jr.

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments set forth. The special assessment shall be due immediately and payable to the Clerk, U.S. District Court.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 100.00	\$ 0	\$ 42,875.73

FINE

In light of the restitution and the inability to pay, no fine will be imposed.

RESTITUTION

The court waives interest on restitution.

The defendant shall make restitution to the following payee in the amount listed below.

<u>Name of Payee & Address</u>	<u>**Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or % of Pymnt</u>
Minnesota Department of Public Safety Office of Justice Programs Crime Victims Reparations Board 4445 Minnesota Street, Suite 2300 St. Paul, Minnesota 55101-1515	\$ 42,875.73	\$ 42,875.73	
<u>TOTALS:</u>	\$ 42,875.73	\$ 42,875.73	

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

special assessment shall be paid in full immediately.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary payments are to be made as directed by the court, the probation officer, or the United States Attorney.